



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6125-99

17 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 March 1985 for four years at age 19. The record reflects that you were advanced to PFC (E-2) and served without incident until 10 March 1986 when you received nonjudicial punishment (NJP) for disobedience of a lawful order and dereliction in the performance of your duties. Punishment imposed consisted of forfeitures of \$100 pay per month for two months and 45 days of restriction. However, you were advanced to LCPL (E-3) on 8 January 1987.

On 27 May 1988, you were formally counseled for writing checks with insufficient funds and failing to make payments on your exchange layaway. You were advanced to CPL (E-4) in July 1988 and extended your enlistment for an additional period of six months on 22 March 1989.

On 31 May 1990 you were convicted by general court-martial of conspiracy to open, steal, secret and destroy mail, to forge various credit cards and receipts, and to steal food and

merchandise totalling about \$8,126; eight specifications of forgery; and three specifications of opening mail and stealing credit cards before the mail was delivered to the designated individual. You were sentenced to confinement at hard labor for 36 months, forfeitures of \$400 per month for 36 months, reduction in rank to PVT (E-1), and a dishonorable discharge. On 17 July 1990 the convening authority approved the sentence but suspended that portion adjudging confinement in excess of 24 months for a period of 24 months. You were dishonorably discharged on 24 January 1992.

In its review of your application, the Board conducted a careful search of your service record for any mitigating factors which might warrant a recharacterization of your dishonorable discharge. However, no justification for such a change could be found. The Board noted your contention that you have been in no trouble in the seven years since your discharge, have paid for your crimes, and don't believe you should be punished for the rest of your life. The Board concluded that your contentions were insufficient to warrant recharacterization of your discharge given the serious nature of the offenses of which you were convicted by general court-martial. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. The Board concluded the discharge was proper and no clemency is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director